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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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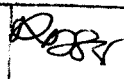
GARY PIERCE
CHAIRMAN
BOB STUMP
COMMISSIONER
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COMMISSIONER
PAUL NEWMAN
COMMISSIONER
BRENDA BURNS
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF
ARIZONA WATER COMPANY, AN ARIZONA
CORPORATION, FOR A DETERMINATION
OF THE FAIR VALUE OF ITS UTILITY
PLANT AND PROPERTY, AND FOR
ADJUSTMENTS TO ITS RATES AND
CHARGES FOR UTILITY SERVICE
FURNISHED BY ITS WESTERN GROUP
AND FOR CERTAIN RELATED
APPROVALS.

Docket No. W-01445A-10-0517

Arizona Corporation Commission
DOCKETED

JUL 15 2011

DOCKETED BY 

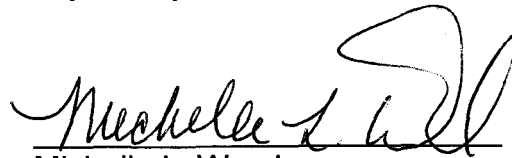
**RUCO'S RESPONSE IN SUPPORT OF STAFF'S REQUEST FOR
MODIFICATION OF THE PROCEDURAL SCHEDULE**

The RESIDENTIAL UTILITY CONSUMER OFFICE ("RUCO") hereby responds to Staff's Request for Modification of the Procedural Schedule ("Request") and to Arizona Water Company's ("AWC's") response thereto. As accurately noted in Staff's Request, counsel and analysts for both Staff and RUCO are also litigating the UNS Gas, Inc. ("UNS") matter. The UNS matter was deemed sufficient on May 9, 2011. The procedural schedule in that matter was resolved after much disagreement and issued June 3, 2011. AWC was deemed sufficient on June 8, 2011. AWC's procedural schedule, issued on June 28, 2011, conflicts with the UNS procedural calendar. Staff has proposed modifications, which RUCO supports.

1 AWC has suggested changes which modify the schedule for both UNS and AWS. UNS
2 Gas and its representatives were provided with copies of both Staff and AWC's proposed
3 modifications. UNS representatives consulted with their client and clearly indicated to RUCO
4 and to Staff that UNS is unwilling to modify its previously established calendar. Although AWC
5 filed its rate case earlier than UNS, it did not establish sufficiency until June 8, 2011, a month
6 after UNS established sufficiency and several days after the UNS's procedural schedule was
7 issued. Given this fact, RUCO agrees with Staff that the AWC's procedural calendar needs to
8 be modified to resolve the existing conflicts. Staff's suggested changes alleviate the existing
9 conflicts and allow all parties a full and fair opportunity to prepare for and appear in the AWC
10 matter. Staff's suggested changes are also fair. Although the conflicts have not been resolved
11 to the satisfaction of AWC, both counsel from RUCO and Staff spent considerable time trying
12 to find a "happy medium" with counsel representing UNS and AWC. The schedule proposed
13 by Staff is the result of those extended discussions and it is appropriate and fair, given that
14 AWC established sufficiency last. The ALJ should adopt Staff's requested changes to the
15 procedural calendar.

16 In its Request, Staff also proposed a joint conference of the parties in the UNS and
17 AWC matters. RUCO opposes the conference because expending time, energy and rate case
18 expense convening the parties in two separate cases for further proceedings would only make
19 sense if UNS or its representatives were open to additional changes. As indicated previously,
20 UNS is opposed to any change of its procedural calendar. UNS has confirmed its opposition
21 via counsel in writing. See Exhibit A. Accordingly, there is no need to belabor the matter
22 further with extended proceedings. Based on the foregoing, RUCO urges adoption of the
23 modified procedural schedule proposed by Staff without further joint procedural conference.

1
2 RESPECTFULLY SUBMITTED this 15th day of July, 2011

3
4 
5 Michelle L. Wood
Chief Counsel

6 AN ORIGINAL AND THIRTEEN COPIES
7 of the foregoing filed this 15th day
8 of July, 2011 with:

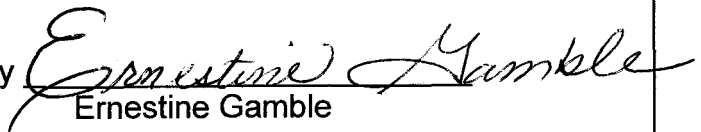
9 Docket Control
10 Arizona Corporation Commission
11 1200 West Washington
12 Phoenix, Arizona 85007

13 COPIES of the foregoing hand delivered/
14 mailed this 15th day of July, 2011 to:

15 The Honorable Sarah Harpring
16 Administrative Law Judge
17 Hearing Division
18 Arizona Corporation Commission
19 1200 West Washington
20 Phoenix, Arizona 85007

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ATTACHMENT A

Michelle Wood

From: Tim Sabo [tsabo@rdp-law.com]
Sent: Thursday, July 14, 2011 2:19 PM
To: Michelle Wood
Subject: Re: Modifications of UNS procedural schedule

That is correct. UNS Gas opposes any change to the hearing dates in the UNS Gas rate case.

Sent from my iPad

On Jul 14, 2011, at 12:46 PM, "Michelle Wood" <MWood@azruco.gov> wrote:

Tim:

I would like to confirm our conversation last week when we spoke regarding the procedural schedule modifications suggested by representatives of Arizona Water. I recall that you consulted with your client and advised Wes Van Cleve and I that UNS and its representatives had reviewed AWS's suggested procedural modifications and were firmly opposed to any change to the UNS procedural calendar. If that is correct, please send me written confirmation. It is my intent to attach your communication to my Response in the AWS matter. Thank you.

Best Regards,

Michelle L. Wood

7/14/2011